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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/530,290

06/14/2005

Thomas L. Haschen

4845-0101PUS2

3643

2292 7590 07/15/2008  
BIRCH STEWART KOLASCH & BIRCH  
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EXAMINER

MAHAFKEY, KELLY J

ART UNIT

PAPER NUMBER

1794

NOTIFICATION DATE

DELIVERY MODE

07/15/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10530290	6/14/2005	HASCHEN ET AL.	4845-0101PUS2

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**EXAMINER**

Kelly Mahafkey

ART UNIT	PAPER
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1794	20080709
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DATE MAILED:

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**Commissioner for Patents**

The reply brief filed has been entered and considered. The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.

It is noted that Appellant correctly states a typo in the examiner action, reply brief page 19, number 10. Heitritter does not teach of 3.8% lysine and 12.8% methionine as stated in the examiner answer; Heitritter teaches of 3.8g methionine and 12.8g lysine per kilogram of feed (Table 3), i.e. about 1.26% lysine in the crude protein and RUP (0.0128g lysine per gram of feed \*47.2% Crude protein in feed = 0.604% lysine in the crude protein + 0.0128g lysine per gram of feed \*32.99% RUP in feed = 0.4233% lysine in the RUP) and about 0.3% methionine in the crude protein and RUP (0.0038g methionine per gram of feed \*47.2% Crude protein in feed = 0.179% methionine in the crude protein + 0.0038g methionine per gram of feed \*32.99% RUP in feed = 0.125% methionine in the RUP). The Examiner's Answer has addressed the obviousness of modifying the levels of the amino acids methionine and lysine and no new information has been entered.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly Mahafkey whose telephone number is (571) 272-2739. The examiner can normally be reached on Monday through Friday 8am-4:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Keith Hendricks can be reached on (571) 272-1401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kelly Mahafkey/

/Lien Tran/  
Primary Examiner  
Art Unit 1794